

## **Legislative Update 2019: Board of Respiratory Care**

### **Public Chapter 61**

This act states that an entity responsible for an AED program is immune from civil liability for personal injury caused by maintenance or use of an AED if such conduct does not rise to the level of willful or wanton misconduct or gross negligence.

This act took effect on March 28, 2019.

### **Public Chapter 144**

This act amends the Prevention of Youth Access to Tobacco and Vapor Products Act by limiting the places in which one may use vapor products. The act defines vapor products and prohibits the use of such products in a number of locations including child care centers, group care homes, healthcare facilities (excluding nursing homes), residential treatment facilities, school grounds, and several other areas. Several locations have specific exceptions set forth in the statute.

This act took effect on April 17, 2019.

### **Public Chapter 195**

The majority of this act pertains to boards governed by the Department of Commerce and Insurance. One small section applies to the health related boards. Currently, the health related boards have an expedited licensure process for military members and their spouses. Previously, a spouse of an active military member had to leave active employment to be eligible for this expedited process. This act removes that requirement. This section applies to all health related boards. The Commissioner of Health is permitted to promulgate rules, but rules are not needed to implement the act.

This act takes effect July 1, 2019.

### **Public Chapter 229**

This act allows healthcare professionals to accept goods or services as payment in direct exchange of barter for healthcare services. Bartering is only permissible if the patient to whom services are provided is not covered by health insurance. All barter accepted by a healthcare

professional must be submitted to the IRS annually. This act does not apply to healthcare services provided at a pain management clinic.

This act took effect April 30, 2019.

### **Public Chapter 243**

This act mandates that an agency that requires a person applying for a license to engage in an occupation, trade, or profession in this state to take an examination must provide appropriate accommodations in accordance with the Americans with Disabilities Act (ADA). Any state agency that administers a required examination for licensure (except for examinations required by federal law) shall promulgate rules in regard to eligibility criteria. This legislation was introduced to assist individuals with dyslexia.

This act took effect May 2, 2019 for the purpose of promulgating rules, and for all other purposes, takes effect July 1, 2020.

### **Public Chapter 245**

This act prohibits any person who is not licensed or certified by the Board of Nursing from using the title “nurse” or any other title that implies that the person is a practicing nurse. The Board is empowered to petition any circuit or chancery court having jurisdiction to enjoin: (1) a person attempting to practice or practicing nursing without a valid license; (2) a licensee found guilty of any of the acts listed in 63-7-115; or (3) any person using the title “nurse” who does not possess valid license or certificate from the Board.

This act took effect May 2, 2019.

### **Public Chapter 303**

This act amends the “Prevention of Youth Access to Tobacco and Vapor Products Act” to include “Smoking Hemp”. Its purpose is to prohibit the sale or distribution of smoking hemp products to, or purchase of smoking hemp products on behalf of, persons under the age of 18.

This act takes effect on July 1, 2019.

### **Public Chapter 447**

This act permits law enforcement agencies to subpoena materials and documents pertaining to an investigation conducted by the Department of Health prior to formal disciplinary charges being filed against the provider. This bill was brought by the Tennessee Bureau of Investigation.

This act went into effect May 22, 2019.